



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MEMORANDUM

JAN 27 2016

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

SUBJECT: Deferral of the Elevated Dispute Regarding the Edwards Air Force Base's South Air Force Research Laboratory Site

FROM: Shari Wilson
Deputy Assistant Administrator

TO: Jared Blumenfeld
Regional Administrator

At the request of the Office of the Administrator, I am writing concerning the Air Force's *Notice Elevating Dispute Under the Federal Facility Agreement for the Draft Final Explanation of Significant Differences, South Air Force Research Laboratory Site (South AFRL Site), Edwards Air Force Base* (July 8, 2015) (the "Elevated Dispute"). The disputed Draft Explanation of Significant Differences proposes to modify the 2007 Record of Decision issued by the Air Force and USEPA with the concurrence of the California Department of Toxic Substances Control for the South AFRL Site.

Since the Elevated Dispute, the California Office of Environmental Health Hazard Assessment ("OEHHA") has commenced a new effort to update its perchloroethylene (PCE) toxicity value. According to the attached memorandum, dated December 9, 2015, OEHHA anticipates releasing its updated value and supporting documentation for public review and comment early this year. The updated value will then receive scientific peer review for regulatory decision-making use pursuant to the State law.

When completed, this OEHHA action could bear on the issue of remedy selection central to the Elevated Dispute. It is therefore prudent to defer and return the Elevated Dispute to the Senior Executive Committee (SEC) for a period of fifteen (15) months to allow time to track the progress of the update action and better delineate any implication the update may have for the South AFRL Site. During the 15 month-period, I ask that Region 9 submit quarterly status reports to the Assistant Administrators for OLEM and OECA on OEHHA's efforts to update its PCE toxicity value and other relevant matters that may arise on or before the following dates: April 15, 2016, August 15, 2016, November 15, 2016, and February 15, 2017.

This deferral takes effect immediately. The members of the SEC should reconvene to discuss the California effort and its effects upon the dispute and are further encouraged to continue discussions in an effort to resolve the dispute prior to February 15, 2017.

cc: Mark A. Correll, USAF

Barbara A. Lee, California DTSC

Attachment

Grant Cope

Office of Environmental Health Hazard Assessment



Matthew Rodriguez
Secretary for
Environmental Protection

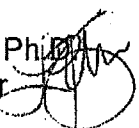
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Edmund G. Brown Jr.
Governor

MEMORANDUM

TO: Ms. Barbara Lee, Director
Department of Toxic Substances Control
1001 I Street, 25th Floor
Sacramento, California 95814

FROM: Lauren Zeise, Ph.D.
Acting Director 

DATE: December 9, 2015

SUBJECT: PERCHLOROETHYLENE UNIT RISK FACTOR REVISION PROCESS

This memorandum is to provide you with the status of work being done by the Office of Environmental Health Hazard Assessment (OEHHa) to develop a cancer unit risk factor (URF) for perchloroethylene under the Air Toxics Hot Spots (Health and Safety Code Section 44300 et seq.) Program. A URF enables the calculation of cancer risk when a chemical is inhaled. OEHHa is updating the perchloroethylene cancer URF to incorporate data that became available after that factor was adopted in 1992. The update will take into account the most current carcinogenicity studies of the compound, and perchloroethylene pharmacokinetic information that describes how the body handles the chemical after it is inhaled.

The updated perchloroethylene cancer URF and supporting documentation will be released for public review and comment early next year. After public review, it will receive external scientific peer review by the California Air Resources Board's Scientific Review Panel (SRP) on Toxic Air Contaminants. Peer review by the SRP satisfies the requirements for scientific peer review of documents used for regulatory decision-making pursuant to Health and Safety Code section 57004. If you have any questions, please do not hesitate to contact me by email at lauren.zeise@oehha.ca.gov or 510-622-3195.

cc: Grant Cope
Deputy Secretary for Environmental Policy
California Environmental Protection Agency

California Environmental Protection Agency

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